



Caption in compliance with D.N.J. LBR 9004-1(b)

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Order Filed on December 20, 2022
by Clerk
U.S. Bankruptcy Court
District of New Jersey

In Re:

Empire Holding Company, LLC

Debtor.

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY
NEWARK VICINAGE

Chapter 11

Case No. 22-17152 JKS

Hearing Date: December 20, 2022

**ORDER AUTHORIZING SALE OF PROPERTY, ALLOWING LEGAL FEES AND
BROKERS' COMMISSION**

The relief set forth on the following pages, numbered (2) through (4), is hereby
ORDERED.

DATED: December 20, 2022



Honorable John K. Sherwood
United States Bankruptcy Court

Debtor: EMPIRE HOLDING COMPANY, LLC

Case No. 22-17152 (JKS)

ORDER AUTHORIZING SALE OF PROPERTY AND ALLOWING LEGAL FEES AND
BROKERS' COMMISSION

THIS MATTER came to the attention of the Court upon the motion of the Debtor for an Order Authorizing the Sale of certain Real Property and Allowing Legal Fees and Broker's Commission. The Parties having agreed to the submission of this order to the Court under Fed. R. Bankr. P. 9019 on notice to all creditors and parties in interest, and good cause having been shown:

It is ORDERED as follows:

1. Pursuant to 11 U.S.C. Sec. 363(b), et seq., the Debtor is authorized to sell the real property located at the street addresses commonly known as 128 and 136 Mehrhof Road, Little Ferry, New Jersey, and also known as Block 86 Lot 1-6 and Lot 7, Block 91, Lot 1.01, (the "Property"), to Hyunsook Leeoh and Hana K Inc. ("Purchaser") under the contract signed by the Debtor and Purchaser dated October 27, 2022, for the sum of \$2,415,000.00.

2. The Debtor shall pay TD Bank, N.A., first mortgage holder on the Property, the sum total of \$2,100,000.00 in full payment and satisfaction of the claim that TD Bank, N.A. has against the Debtor and the Property. Upon receipt of payment as outlined herein, TD Bank N.A. shall file all necessary documents required to discharge any mortgage which same has against the Property. Nothing herein shall be construed as a waiver by TD Bank of its right to collect its deficiency balance from any other parties obligated on the indebtedness to TD Bank, including Napoleon Yfantis and Empire Little Ferry, LLC.

3. The Debtor shall pay the U.S. Small Business Administration (the "SBA") the sum total of \$50,000.00 for the release of SBA's lien against the Property. SBA shall retain an unsecured deficiency claim against the Debtor pursuant to 11 U.S.C. Sec. 506(a)(1) and nothing in this

Order shall release (or be deemed to satisfy) any claims SBA has against any other parties (including guarantors), which claims are expressly preserved. Upon receipt of payment as outlined herein, the U.S. Small Business Administration shall file all necessary documents required to discharge any mortgage which same has against the Property.

4. At the closing of the sale of the Property, USBKCUST/PC8 Firsttrust Bank's Tax Sale Certificate No. 22-00007 shall be paid in full through the Borough of Little Ferry tax collector's office pursuant to the Tax Sale Law, N.J.S.A. 54:5-1 et seq., and the redemptive amount (the "Redemptive Amount") of the Tax Lien shall be calculated by the Borough of Little Ferry tax collector as required by N.J.S.A. 54:5-60.

5. Pursuant to 11 U.S.C. Sec. 328(a) and 503(b)(1), Jack Koumbis has been appointed as broker to the Debtor. The proposed broker commission for this sale was approved at 6% or the total amount of \$144,900.00. However, in an attempt to work with the parties and facilitate this sale, the broker has agreed to accept a broker commission of 5% or the total amount of \$120,750.00, which sum shall be taken from the gross sales proceeds of the sale and is hereby awarded to Jack Koumbis.

6. Pursuant to 11 U.S.C. Sec. 328(a) and 503(b)(1), the Fazzio Law Offices have been appointed as closing counsel to the Debtors in connection with the sale of the property. The proposed counsel fee, the amount of \$7,500.00, shall be taken from the gross sales proceeds and held in escrow by the Debtor's attorney pending the approval of same by way of fee application filed by the Fazzio Law Offices.

7. The sales of the properties are made by a Debtor-in-Possession in bankruptcy, and are therefore exempt from any realty transfer tax under N.J.S.A. 46:15-5 et seq. and the Bulk Sales Act.

8. The Debtor shall (i) file all required monthly operating reports through the date of entry of this Order, and (ii) pay all quarterly fees due pursuant to 28 U.S.C. § 1930 and any interest due pursuant to 31 U.S.C. § 3717.

9. The stay set forth in Rules 4001(a)(3) and 7062 of the Federal Rules of Bankruptcy shall not apply to this Order and the Order shall be effective immediately.

10. Notwithstanding Bankruptcy Rule 6004(h) this Order is effective immediately upon entry.